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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,568	11/28/2003	Won-youl Bac	1793.1042	6270

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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/722,568	Applicant(s) BAE, WON-YOUL	
	Examiner Brian E. Miller	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/9/07 & 10/26/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1-29 are pending.

Claim Rejections - 35 USC § 112

1. Claims 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 recites “the holding element” which lacks proper antecedent basis.

*Patentability of claims 16-17 have not been determined due to this 112(2) issue.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 7, 12-15, 18, 25-26, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US 5,532,995). (As per claims 1 & 12) Choi discloses an apparatus to accommodate and load a disc cartridge 80 housing a disc and which is loaded in a drive, the apparatus (referring to FIGs. 1-2) including: a tray 50 on which the disc cartridge 80 is accommodated; a locking lever 36 having a locking hook 38 disposed to be caught in a groove 70 formed at a side wall of the disc cartridge 80 when accommodated on the tray 50 and which restricts and/or releases the disc cartridge 80 by using the locking hook 38; and a sliding holder 40 installed on the tray 50 to prevent the disc cartridge 80 from moving by pressing the disc cartridge 80 restricted by the locking lever 36 in a direction opposite the first direction, i.e., not allowing the cartridge to move in the unloading direction (see col. 2, lines 43-55); (as per claim

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2) wherein, when the disc cartridge 80 is loaded, the locking lever 36 is restricted by the sliding holder 40; (as per claim 7) wherein a height of the locking hook 38 is less than a thickness of the disc cartridge, and the locking hook 38 is installed to closely contact a surface of the tray (via groove 58); (as per claims 11 & 29) further comprising an optical pickup (not shown though would be considered at least inherent to the MD apparatus of Choi) transferring data with respect to the disc and a turn table 90 (see FIG. 2) which turns the disc; (as per claim 18) wherein the locking lever “rotates” relative to the tray 50 such that, when in a first position, the locking element is “rotated” to engage the receiving element, and when not in the first position, the locking element is “rotated” away from the disc cartridge 80, i.e., the term “rotated” is interpreted loosely as “pivoted”, since it is understood that arm 36 must pivot appropriately at the corner for proper operation; (as per claim 25) wherein the tray 50 is slidably accommodated in the case 10.

Further, with respect to claims 13-15, Choi is considered to show that the locking element 38 engages the receiving element 70 when the disc cartridge 80 is disposed in a first position on the tray, i.e., inserted correctly (see FIGs. 3A-3B), and does not engage the locking element with the receiving element when the disc cartridge is not disposed in the first position, i.e., inserted incorrectly.

Allowable Subject Matter

4. Claims 3-6, 8-10, 20-24, 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 10/26/06 have been fully considered but they are not persuasive.

A...Applicant asserts that Choi does not teach the feature of “a sliding holder installed on a tray to prevent the disc cartridge from moving by pressing the disc cartridge, restricted by a locking lever, in a direction opposite the first direction.”

The Examiner respectfully disagrees. As explained in the body of the rejection, supra, it is considered that this feature is met by Choi, i.e., “a sliding holder 40 installed on the tray 50 to prevent the disc cartridge 80 from moving by pressing the disc cartridge 80 restricted by the locking lever 36 in a direction opposite the first direction, i.e., not allowing the cartridge to move in the unloading direction .”

A similar argument is maintained for claim 12 as well.

B...With respect to claim 26, applicant submits that because “Choi teaches that that engaging piece 36 does not comprise shutter locker 82,” and thus cannot meet all of the features of the claim.

The Examiner considers this argument persuasive, and has subsequently indicated this claim as allowable as well.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "B. E. Miller", with a stylized flourish at the end.

Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
January 19, 2007